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OLC 75-1206

23 May 1975

## MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Chairman Lucien Nedzi

1. I dropped by Chairman Nedzi's office this afternoon primarily to keep in touch with him on recent developments. I told him that, as he had read in the paper, we have had three sessions with the Senate Select Committee which has concerned itself primarily with the subject of covert action and assassinations, with by far the greater emphasis on the latter. I said that while I was sure a number of details have come out in the Senate sessions which either were not known or not covered at the time the Director briefed him in May of 1973, I believed the essential facts were as he knows them. I did mention, however, that the Senate Committee has asked the Director whether there were ever any instances of killings of agents--either ours or the opposition's--and that we were finding some information to indicate that there were one or two such cases but the facts have not yet been fully developed and are under investigation.
2. Having known about the cases included in the "skeleton" briefings which the Director had given him, Mr. Nedzi seemed to take the position that he saw no point in hashing over these cases in minute detail. He said he thought the point that his Committee should pursue was what should be done about the future to assure that irresponsible acts will not be undertaken. We discussed the subject at some length and Mr. Nedzi did not seem to be shocked by the fact that such incidents had taken place. In fact, he seemed to be saying that in the kind of business the Agency is in, it must be expected that things like this will happen.
3. As far as his Committee plans are concerned, Mr. Nedzi said that when Congress returns from the current recess, he expects to formulate plans within his Select Committee for the Director to meet with the Committee, preferably in open session, for the purpose of providing an overview of how we work and what we do. His thoughts in this regard seemed to tie in with a comment made to me by Searle Field, the House Select Committee Staff Director, in a casual conversation in the hall of the Rayburn Building the

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other day. At that time he said he would like to arrange for the members of the Select Committee to receive briefings on just what the Agency was all about. I told Mr. Nedzi that I would take the matter up with the Director and indeed did so upon my return to Headquarters later in the day. I told the Director that I thought this might be a good opportunity for him to get on the public record some points that he would like to make in connection with subjects being taken up by the Select Committees and, in fact, to correct some misimpressions that seemed to be coming out in press reports of the deliberations of the Senate Committee.

4. I think it would behoove us to find the best speech writer we have in the Agency to set to work to prepare a text for the Director to use in such an open session. I think points that should be covered in the Director's statement should include the background, both from a legislative point of view and from the point of view of predecessor organizations, of the creation of the Agency. The discussion should cover a number of the key sections of the National Security Act and the CIA Act with a statement as to our understanding as to what was intended by those sections, i.e., the prohibition against exercising any internal security police or law enforcement activities as well as the concept which has developed with respect to section 102(d)(5) on the conduct of covert activities. In this connection, I think the Director would do well to give examples, where possible, on the type of domestic activities which CIA can and does legitimately perform and examples of covert operations. I think the statement should also include the subject of legislative and executive oversight, both past and present, and an explanation on how the 40 Committee and other similar groups are structured and operate.

5. Mr. Nedzi mentioned that Jack Boos had just been to see him and had taken up the subject of the Director's letter proposing to destroy certain documents in our files pertaining to [redacted] Mr. Nedzi said he felt he could not agree to the destruction of these documents although he could foresee no reason, at this point in time, why the House Select Committee would be interested in examining them. His position is essentially one of principle and is a very sound one from his point of view. It occurs to me that these documents can be placed under seal somehow and not opened unless demand for access to them is made by either of the Select Committees. If no demand is made, then I think the documents could be destroyed when the Select Committees complete their investigation and file their report.

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